

» Applic. No. 10/657,841
Amdt. dated December 22, 2004
Reply to Office action of September 22, 2004

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Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-26 remain in the application.

In the third paragraph on page 2 of the above-identified Office action, claims 1-6 and 8-25 have been rejected as being fully anticipated by Eisert et al. (U.S. Patent No. 6,730,939) (hereinafter "Eisert") under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

It is noted that the Eisert reference has an effective U.S. filing date of February 12, 2001. Enclosed herewith are pages 1 of 3 and 2 of 3, the written description and the Figures (page 3 of 3 has not been submitted because it contains confidential company information that is not relevant to the present invention) of a German language Invention Disclosures and an English language translation thereof. A signed declaration under 37 CFR 1.131 indicating that the present invention was reduced to practice at least as early as

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February 11, 2001, is also enclosed herewith. Based on the above-noted information, the Eisert reference is not available as Prior art. Therefore, the rejection over Eisert is moot.

It is appreciatively noted from page 3 of the Office action, that claims 7 and 26 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims have not been amended as indicated by the Examiner, as the claims are believed to be patentable in their existing form.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-26 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

12-22-'04 12:06 FROM-Lerner & Greenberg

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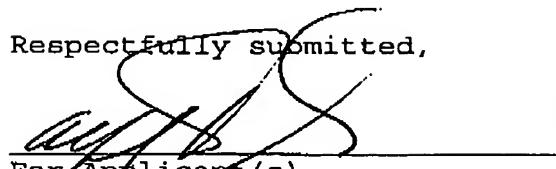
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If an extension of time for this paper is required, petition
for extension is herewith made.

Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner &
Greenberg P.A., No. 12-1099.

Respectfully submitted,



For Applicant(s)

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AKD:cgm

December 22, 2004

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